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U.S. DISTRICT COURT
NORTHERN DISTRICT OF
FT. WORTH, TEXAS
*[Signature]*UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

2015 MAR 20 PM 2:30

HENRY LEE SIMS, JR., et al

CLERK OF COURT

Plaintiffs,

VS.

CASE NO. 4:14-cv-00045-A

KIA MOTORS AMERICA, INC., and
KIA MOTORS CORPORATION*Defendants.***JOINT MOTION TO MODIFY PRETRIAL DEADLINES**

The parties have actively conducted discovery since the inception of this case and have worked professionally and cooperatively throughout discovery. During the expert discovery phase of the case, however, unforeseen conflicts have occurred which prevent the parties from completing discovery by the current discovery deadline of May 11, 2014. In order to allow the completion of discovery, the parties respectfully request that the Court revise the extend the discovery deadline just over two weeks, and other remaining deadlines to occur after that deadline pursuant to Rule 16(b)(4) of the Federal Rules of Civil Procedure and Local Rule 40.1.

No change in the trial date is requested.

I. BACKGROUND

This product liability action arises out of an April 28, 2013 crash that involved a 1999 Honda Odyssey and a 2010 Kia Soul. The three rear occupants in the 2010 Kia Soul, including plaintiffs' decedent, Henry Lee Sims, Sr., sustained fatal injuries in a vehicle fire. Plaintiffs subsequently sued Kia Motors America, U.S.A., Inc. (KMA), a Californian corporation, and Kia Motors Corporation (KMC), a Korean corporation, alleging that the fuel system of the Kia Soul, which the Kia Defendants manufactured and distributed, is defective.

On October 9, 2014, the Court entered its Order Granting Joint Motion to Modify Deadlines in Court's Order Setting Schedule and Providing Special Pretrial Instructions (Doc.

54). Pursuant to that order, the Plaintiffs designated experts on January 28, 2015 and Kia designated experts on March 2, 2015. Expert depositions are on calendar for April 2015, but Plaintiffs' primary liability expert has stated he is not available for deposition until May 8, 2015. The discovery deadline is currently May 11, 2015, and the pretrial conference is set for June 1, 2015. The case is set for trial the week of July 15, 2015.

II. ARGUMENT

The parties are in the process of conducting complex and substantial discovery in this case. To date, numerous plaintiffs, fact witnesses, and corporate representatives have been deposed, including depositions in Korea and California. As previously described to the Court, the complex nature of this case required the parties to designate multiple experts in order to address the various allegations, and the parties must present those experts for deposition. The parties have been working to schedule these expert depositions as soon as possible. Despite those efforts, Plaintiffs' primary liability expert is not available for deposition until May 8, 2015. Plaintiffs are agreeable to deposing experts responsive to that expert between May 8 and May 28, 2015. The parties are planning other expert depositions in April 2015. The parties need Court approval for such a schedule due to current May 11, 2015 discovery deadline.

The parties agree that the amount, complexity, and timing of the remaining discovery to be completed provide good cause to amend the scheduling order and extend several of the current deadlines. This motion is therefore made for good cause so that justice may be served and not for purpose of delay.

III. REQUEST FOR RELIEF

The parties respectfully that the Court's Order Setting Schedule and Providing Special Pretrial Instructions (Doc. 44) and the Court's Order granting Joint Motion to Modify Deadlines in Court's Order Setting Schedule and Providing Special Pretrial Instructions (Doc. 54) are modified only as follows:

- Paragraph 3 is further modified to provide that all discovery must be initiated in time to allow completion of discovery by May 28, 2015;
- Paragraph 5 is further modified to provide that the pretrial conference is June 30, 2015;
- Paragraph 6 remains modified by Document 54, which provides that this case is set for a jury trial the week of July 13, 2015;
- Paragraph 13 is further modified to provide that the deadline to notify the Court of possible use of video or audio recordings is June 9, 2015; and
- All other deadlines in Document 44 (with the exception of Paragraph 15 pertaining to expert designation and reporting deadlines) that are tied to the pretrial conference date or the trial date are modified pursuant to the extension provided herein.

The parties respectfully request that this motion be considered on an expedited basis, and respectfully request a ruling from the Court as soon as possible. The parties need to have an extension of the discovery deadline and trial setting so that discovery may be fully completed before trial. Finally, the parties respectfully request any other relief, at law or in equity, to which they may be justly entitled.

Date: March 20, 2015

Respectfully submitted,


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CERTIFICATE OF CONFERENCE

On March 20, 2015, counsel for Kia Motors America, U.S.A., Inc. and Kia Motors Corporation conferred with counsel for plaintiffs regarding this motion. The motion is not opposed.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded to all known counsel of record in this cause in accordance with the Federal Rules of Civil Procedure on this 20th day of March 2015.